

# **A Primer for City Council Members**



**State of Alaska  
Frank Murkowski, Governor**

**Department of Community and Economic Development  
Edgar Blatchford, Commissioner**

**Division of Community Advocacy  
Gene Kane, Director**

**July 2003**

---

---

## Acknowledgments

---

---

**2003 Project Manager: Judy Hargis, Publication Technician**

**2003 Editors: Mike Black, Community Development Section Chief  
Roxanne Auge, Local Government Specialist**

**Graphic Artist: Bud Root, Bud Root Commercial Art and Design**

---

---

The State of Alaska, Department of Community and Economic Development (DCED) complies with Title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. Please contact Judy Hargis at 1-907-269-4565 or [judy\\_hargis@dced.state.ak.us](mailto:judy_hargis@dced.state.ak.us) to make any necessary arrangements. DCED's Telephonic Device for the Deaf (TDD) number is 1-907-465-5437.

This publication was released by the Department of Community and Economic Development, produced at a cost of \$1.95 per copy and printed in Anchorage, Alaska

# Table of Contents

This handbook provides an overview on topics of interest to new city council members. Additional information is available on the Division of Community Advocacy's website - Local Government OnLine (LOGON) at:  
<http://www.dced.state.ak.us/dca/LOGON/home.cfm>

<b>I. Introduction .....</b>	<b>1</b>
<b>II. Where Does a City Council Get its Authority? What are the Council's Duties?.....</b>	<b>2</b>
Introduction	
Authority of the Council	
Purpose of the Council	
Duties of the Council	
Role of the Council in the Community	
The City Council and the Public Interest	
<b>III. Now That I'm On The Council, What Am I Supposed To Do? .....</b>	<b>6</b>
<b>How Can I Be Effective? .....</b>	<b>6</b>
Introduction	
Don't be a Single Issue Member	
Policy is Better than Politics	
Disagree but Don't Fight	
Cities Can't Resolve State and Federal Issues	
Don't Micro-Manage	
Practical Tips for Council Members	
<b>IV. What About all the Technical Things I Need to Know? .....</b>	<b>10</b>
Ordinance versus Resolution	
Ordinance Procedure	
Emergency Ordinances	
Code of Ordinances	
The Budget	
Legal Matters	
Open Meetings Act	
Conflict of Interest	
Ex Parte contact	
Committee of the Whole	
Board of Equalization	
Board of Adjustment	
Council Procedures	

<b>V. What Happens at Meetings? .....</b>	<b>17</b>
Types of Meetings	
Regular	
Special	
Emergency	
Committee	
Work Sessions	
Notice of meetings	
The agenda	
Taking part in debate	
Parliamentary Procedure	
Making a Motion	
Voting	
Abstain from Voting	
Unanimous Consent	
Quorum	
The Role of the Mayor	
 <b>VI. Council Relationships .....</b>	 <b>24</b>
Introduction	
With the Mayor	
With the Administrator	
With the Manager	
With the Planning Commission	
With the Staff	
Conclusion	

---



---

This primer is intended as a helpful guide for new council members. It covers the basics of the duties, activities, legal requirements, and procedures for effectively serving as a municipal council member. Additional information in greater detail is available through the Division's LOGON web site at <http://www.dced.state.ak.us/dca/LOGON/>

---



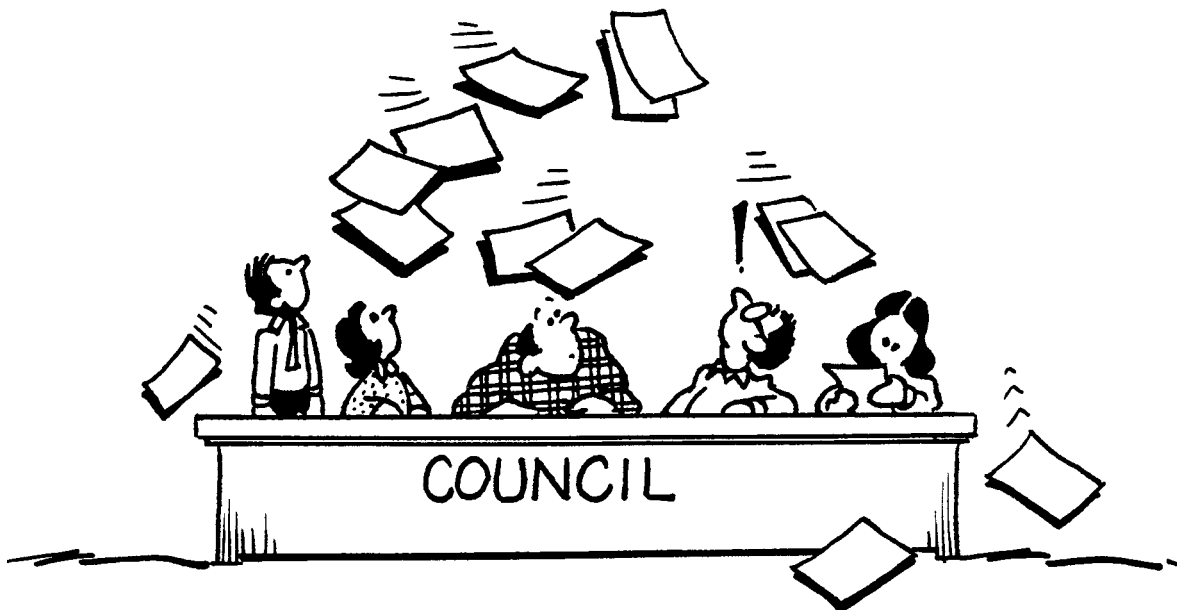
---

# I. Introduction

The job of city council member is an important position in the community. Council members must perform many duties, from listening to and trying to resolve residents' problems and complaints to passing an annual budget that balances the demand for city services with available revenues. Council members become exposed to many new ideas and situations that require them to stretch their existing knowledge and skill level. They are expected to be problem-solvers, to be responsive, to be fair, to act in the best interests of the community, and to work hard and know what's going on around the community. There is prestige in being a council member and maybe even a hint of glamour from time to time. But for the most part it's like a second job, involving many hours of work out of the spotlight – essentially, it is a labor of love and the payback is reflected in the quality of life in the community.

Residents are often elected to the city council without having a clear picture of what is expected of them as council members or really understanding the workload and procedures of the council. The purpose of this primer is to provide newly elected council members with tips, advice, and information. While experience will be a good teacher, this primer should speed up the learning process.

This primer has been written for council members for all classes of cities, inside and outside of boroughs. In a sense, city powers and council procedures are alike in most communities. Some differences do exist between home rule, first class, and second class cities and between cities that are inside and outside boroughs. This primer talks about the "widespread" concerns of council members, rather than the specific differences between classes of municipalities.



## **II. Where Does A City Council Get Its Authority? What Are The Council's Duties?**

### **Introduction**

This section will describe the authority, where the authority comes from, and purpose, and duties of the council. It will also look at the council's role in the community and the public interest.

### **The Authority of the Council**

The authority of the council is closely tied to the powers cities may exercise as political subdivisions of the state. All cities have essentially the same authority from the state; however, not all cities will exercise the same powers. For example, the cities of Wrangell and Cordova exercise a wider range of powers than the cities of Kupreanof and Port Alexander.

The State of Alaska Constitution and state laws both give broad grants of power to cities. The constitution states that there shall be maximum local self-government and a liberal construction shall be given. This is repeated in AS 29.35.400, which states, "a liberal construction shall be given to all powers and functions of a municipality conferred in this title." What this means is the city council may exercise broad powers, within the scope of its authority, to raise revenues, provide services, and regulate activities within the municipality and the municipalities authority is not limited to that spelled out in the law. How the council chooses to exercise its authority depends on a number of factors including the size of a city, its ability to raise revenues, the need for services, the rate of economic growth and change, and, first and foremost, the desires of residents.

Finally, city powers will be different depending on whether it is a first class, second class, or home rule city and whether the city is inside or outside a borough.

### **Purpose of the Council**

The council's purpose is to serve the public and enforce public policy, administer public money, and provide services based on what the people of the community want. State law says that the council is the legislative body for the city and spells out a number of duties the council is responsible for. These are listed below under "Duties of the Council." The political purpose of the council, while it is closely tied with the council's legal duties, is to represent as best as possible, the values, needs, and desires of the city's residents. So, while councils have essentially the same legal requirements, the political purposes of the council may vary.

## **Duties of the Council**

Title 29 of Alaska Statutes lists many of the duties and authority of the city council to perform these duties. These duties include, but are not limited to, the following:

- ✓ adopt a budget and file required reports with the state;
- ✓ adopt a code of ordinances and make the code available to the public;
- ✓ Maintain a public record/minutes of proceedings;
- ✓ establish election procedures;
- ✓ issue bonds;
- ✓ acquire, manage, control, use, and dispose of real and personal property;
- ✓ provide for the levying of taxes;
- ✓ establish, alter, or abolish municipal departments;
- ✓ provide for fines and penalties;
- ✓ prepare a capital improvement program;
- ✓ exercise eminent domain (i.e., condemn private property for a public use);
- ✓ hire, or confirm the hire, of the police chief, clerk, treasurer, and attorney (depending on the language in the local code);
- ✓ establish a personnel system; and
- ✓ grant or extend a franchise.

City councils may not perform some of these duties, such as issue bonds, but all cities have the authority to do these things. A small city, for example, may choose not to exercise eminent domain or grant a cable TV franchise.

In addition to those listed in the statutes, the council has other duties that are equally as important. These include

- ✓ establish rules of council procedure,
- ✓ evaluate the city administration and/or manager (in some cases, the mayor may have this responsibility),
- ✓ hear and evaluate public testimony,
- ✓ assess the need and demand for city services,
- ✓ assess public opinion on taxes,
- ✓ plan for economic development,
- ✓ plan for the future and the well-being of the community,
- ✓ hear and respond to citizen complaints and concerns,
- ✓ resolve residents' problems,
- ✓ lobby for grants and funds, and
- ✓ perform ceremonial duties.

The bottom line is that council members are responsible for management of the city's affairs and are held answerable to the public they serve.

## Role of the Council in the Community

Community residents almost always have some idea of what the city council is or what it's doing: the council may be viewed as a bunch of slackers who don't keep the streets plowed, or as a farsighted group that got funds for a new boat harbor or community building. (Just about everyone has an opinion about the council or knows someone else who does.) So, what is the council's role in the community?

The council acts on behalf of all residents to promote the good of the overall community. It is similar to the board of directors of a corporation, except that its goal is not to maximize profits to shareholders but to maximize the delivery of services to as many people as possible at the lowest possible cost. The council plays several roles in achieving this goal:

1. The council manages money by planning or budgeting how much money the city will receive and spend.
2. The council manages people and oversees hiring, firing, and evaluating of staff (the mayor or manager may reserve this authority; however, the council must still evaluate the mayor and/or manager).
3. The council acts as an "ombudsman" by hearing citizen complaints.
4. The council evaluates projects, proposals, and other ideas brought to it by residents, staff, and other agencies.
5. The council lobbies for grants and funds from outside sources and for public support of its proposals.
6. The council determines the services needed by residents.
7. The council plans, through land use plans, economic development plans, and capital improvement plans, for the future and well being of the community.
8. The council makes policy; that is, the council formulates the general principles that guide the city's decision-making in its management and administration of public affairs.

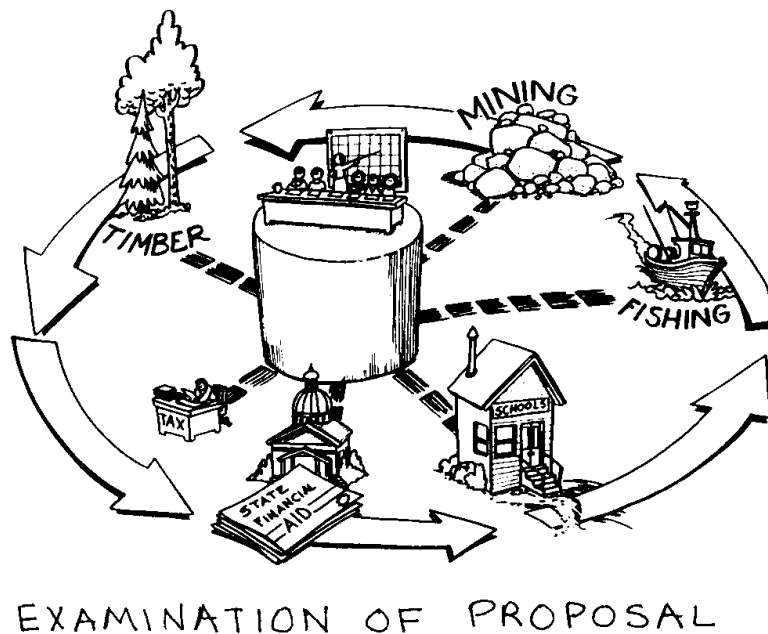




## The City Council and the Public Interest

The phrase "public interest" may be familiar, but just what is the public interest? What does the council have to do with this idea of the public interest? Essentially, the public interest represents the maximum amount of benefit that flows to society at large rather than selected groups or individuals – essentially, the greatest good for the greatest number. It is an interest shared by citizens generally in the affairs of local government.

The public interest can be distinguished from a special interest. A special interest exists when one person or a small group of people stands to benefit from a council action without regard for the larger interests of the community.



# **III. Now That I'm On The Council, What Am I Supposed To Do? How Can I Be Effective?**

## **Introduction**

Every new council member has probably had a few butterflies at his or her first meeting. Should he or she say anything? What are the right procedures? What are some rules that can be followed? This section provides general tips to help new council members better understand how the council works. If no other advice stays with you, remember to Study, Be Prepared, Listen, and Contribute.

## **Don't be a Single Issue Member**

Maybe you have known someone who got elected to the council because they ran on a single issue, for example, lowering the utility rates or grading the streets more often. Or maybe they ran to get city hall off the peoples' backs. Whatever the issue, when single-issue candidates are elected to the council, they must become multi-issue council members, or they are certain to become frustrated and ineffective. The reason is simple. Council members must deal with a lot of different issues on a regular basis. If the single-issue member does not deal with the other issues he or she risks the loss of support and respect from the other members and the public. When this happens, that person's ability to deal with even the single issue important to them loses support.

## **Policy is Better than Politics**

The council is the policy-making body for the city. This means that the council is responsible for making decisions about which direction the city is going, how the city will spend its resources (i.e., money, staff time), what projects the city will work on, and so on. Policy-making is not really a separate activity; that is, the council does not sit down at a meeting and say, "let's make policy!" Instead, council policy is an ongoing activity that develops when the council adopts ordinances, adopts or revises a comprehensive plan, sets harbor fees, considers the ranking of projects on a capital improvements projects (CIP) list, and carries out its other duties and responsibilities.

Making policy is simply the act of making a deliberate choice or decision from among different alternatives and based on the available facts. Public policy is making these choices or decisions with the best interest of the whole community in mind. A council that is influenced by competing, short-term, or personal agendas will have difficulty finding agreement on important public policy issues. Doing the city council's business (in effect, the public's business) is a group activity that requires patience, vision, cooperation, and compromise.

## **Disagree but Don't Fight**

No one expects council members to agree on everything. In fact, when disagreement exists, it means that different viewpoints are being considered before a decision is made. Looking at the different viewpoints is an important part of the decision making process and ensures that the interests of all concerned are being given some thought. When a disagreement becomes a fight, however, it means that feelings on the issue have become too personal. Ask for an "at ease" when this happens to let things cool off. And remember, fighting doesn't accomplish anything: it doesn't solve problems, it doesn't lead to answers, it doesn't help the public, and usually no one wins.

## **Cities Can't Resolve State and Federal Issues**

Some issues may be important to council members and the community but may not be within the council's authority to deal with. Decisions about fish and game management or development in wetlands, for example, may be important to a community's economic well being, but not within its management authority. The council may adopt resolutions stating the city's opinion and send them to state and federal agencies, or lobby agency and elected officials. Council members should avoid other issues outside the city's control, for example, gun control or prayer in schools. Council members will always have enough work to do without taking on issues that must be resolved by another entity.

## **Don't Micro-Manage**

The council appropriates money in the budget but should not micro-manage the money by trying to oversee or approve every single expenditure or by making spending decisions that staff are authorized to make. As an example, if \$500 is budgeted for office supplies, don't tell the staff which supplies to buy. Let him or her do their job with administrative supervision. The council is ultimately responsible for accounting for public money and should have a good sense about what it is being spent on, but if there are questions they need to be addressed through the chain of command. In the larger sense, this means that the council should not try to do their job and the staff's job too.

## **Practical Tips for Council Members**

1. **Read Your Packet:** Don't be uninformed at meetings. When you get to the meeting be as prepared as you can with the information that has been provided. Council members should receive a meeting packet usually three days before the meeting and should read it and be ready to discuss the issue when they meet.
2. **Be familiar with the City's Planning Documents:** Find out if your city has a comprehensive plan, a coastal management program, a capital facilities plan, or an

economic development plan, and if it does, take the time to read them or at least read through the Table of Contents and highlights to become familiar with them. When an issue comes up on something covered in a planning document, you will at least know where to look for more information.

3. Become Familiar with the Code of Ordinances: Know what is in the code, particularly the chapters on administration, mayor and council, revenue and finance, and public services.
4. Become familiar with Title 29 of Alaska Statutes: This is the chapter that addresses municipal government. Again, become familiar with it, so you know what the rules are that are spelled out in statute and have an idea how to look something up.
5. Don't Form Opinions Until you Know all Sides of an Issue: Don't be a know-it-all. A council member cannot form intelligent opinions or make good decisions without knowing all sides of an issue. If you take the position that you already know everything there is to know on an issue, you may miss an important opportunity to learn something new.
6. Take part in Debate: As a rule, the quality of the council's decision-making is improved when all members contribute to the discussion. Ensure your views and the views of the people you represent are expressed. This doesn't ensure that the outcome will be exactly what you want, but it will ensure that what you want has been considered.
7. Ask Questions: You've heard the expression, "there's no such thing as a dumb question." Well, it's true. If you have a question, other members probably do also. If you don't know, how else will you find out?
8. Seek Solutions: Be a problem-solver, NOT a problem-maker. Contribute to debate in a way that will lead to solutions and not merely add to the difficulty or complexity of a situation. We have all known people who focus on why something can't be done rather than look for ways to get something done.
9. Don't be Shy: Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution so speak up when you've got something to say.
10. Use the Staff: Staff provides technical assistance. Don't ask staff to make a decision for you; instead, get from them the facts and other information you need to make the best decision you can.
11. Be curious, NOT argumentative: You should dig into a matter, and be assertive if you must, to get the information you need. But you should not pick fights or needlessly anger people in the process. The best environment for decision-making is one that respects all opinions and the right to express them. .

12. **Respect Your Peers:** There's an old saying, "what goes around, comes around." If you don't respect your fellow council members and their opinions and positions, they won't respect yours either. There is no rule that says council members have to be friends, but relationships should be polite and professional. Council members are community leaders who can set an example for others to follow.
13. **Share Information:** If you know something about a proposal before the council that other members don't know about, share it. Nobody will benefit from a council member that keeps important information that should be shared with the group.
14. **Put in Extra Effort:** Volunteer to serve on committees, or to perform ceremonial duties, or other special assignments. Don't let other council members do all the extra work.
15. **Be Practical:** Always look for solutions that are practical and doable. You'll be wasting everyone's time offering up ideas that are too costly, that are "overkill," or that don't relate to the situation the council is looking at.
16. **Focus on Issues, not Details:** Details are important, but don't get lost in them when considering an issue. Sometimes it's more comfortable to deal with details when an issue is unpopular or difficult but doing so will not produce answers.
17. **Rely on Facts, NOT Opinions:** This can be hard, but it is very important. For example, if someone tells you that the proposed animal control ordinance is stupid, that is not necessarily a fact or a good reason to oppose it. If, however, staff recommendations or public testimony show that it would be impossible to enforce or too costly to administer, then you have a factual basis for a decision.
18. **Dealing with Staff:** If you have problems with a staff report, for example it appears to favor one group or person over another or you question whether the facts are accurate, don't surprise the staff member at the meeting with critical comments. Instead, talk to the staff member beforehand and work out the problem. It is important to maintain a good working relationship with the staff.
19. **Being a Council Member Takes a Lot of Time:** The time you actually spend at meetings is only a small part of the time it takes to be a good council member. Be prepared to spend a fair amount of time staying informed, active, and involved as a council member.



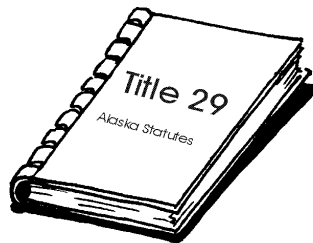
## **IV. What About All The Procedural Things I Need To Know?**

### **Ordinance versus Resolution**

An ordinance is a law that governs behavior and may be enforced through fines or penalties or establishes a procedure. For example, the city adopts vehicle and traffic regulations by ordinance. A resolution, on the other hand, is a statement of the council's opinion or intent. A city may adopt a resolution creating school appreciation day, for example, or supporting or opposing a state or federal action. The City of Thorne Bay code of ordinances explains the differences between ordinances and resolutions this way:

2.12.010 Acts of Council. The council shall act only by ordinance, or resolution. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When council expresses opinions, principles, facts or propositions, it shall be in the form of a resolution.

AS 29.25.010 lists all of the actions a city is required to do by ordinance. State law requires that ordinances adopted by the council be codified into a code of ordinances (AS 29.25.050) and that resolutions adopted by the council be kept in a permanent file.



### **Ordinance Procedure**

This ordinance procedure is taken from Title 29 of Alaska Statutes. Municipalities may require a longer notice period for public hearings on ordinances than the five days given below so remember to check the city code. The procedure is as follows:

1. An ordinance may be introduced by a council member, by a committee of the council, by the mayor, or by the manager.
2. The council, typically at a regular meeting, sets a date for a public hearing on an ordinance. Usually, the public hearing is set for the council's next regular meeting.
3. At least five days before the public hearing, a summary of the ordinance is published or posted for public review with a notice of the time and place for the hearing.

4. Copies of the ordinance have to be available to everyone at the hearing, or the ordinance must be read in full.
5. The council must take public testimony from everyone wishing to be heard.
6. When the public hearing is closed, the council takes action either to reject, adopt, or amend and adopt the ordinance.
7. Once adopted, printed copies of the ordinance must be made available to the public in a reasonable period of time.
8. Ordinances take effect upon adoption by the council unless a later effective date is specified in the ordinance.

## **Emergency Ordinances**

Occasionally, the council may need to adopt an ordinance to address an emergency situation quickly under unusual or extreme circumstances. An emergency ordinance may be adopted without a public hearing at the same meeting it is introduced by the affirmative vote of all members present or 3/4's of the total membership, whichever is less. Each emergency must contain a finding by the council that an emergency exists and a statement of the facts on which the finding is based. An emergency ordinance may not be used to levy taxes; to grant, extend or renew a franchise; or to regulate public utility rates.

The council should never get in the habit of adopting emergency ordinances as an alternative to the normal ordinance process. First, emergency ordinances have a limited duration (60 days for general law governments). Second, the public process should be avoided only in the most unusual circumstances. Finally, abuse of this procedure could affect the public's trust and confidence in the council.

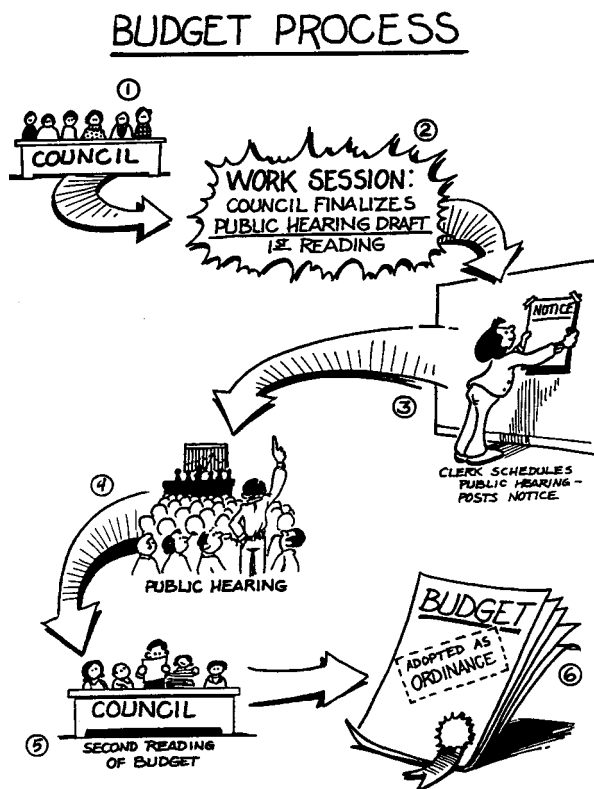
## **Code of Ordinances**

The code of ordinances is the city's book of ordinances. It contains all of the ordinances that are of a "general and permanent nature" that are in effect over time. Examples would include ordinances on administration and personnel, revenue and finance, public services, and health and safety. These ordinances are codified when they are organized according to a numbering system and "placed in a properly indexed book maintained for the purposes of organizing and recording the ordinances" (AS 29.25.050 [1]). These are called "code" ordinances. Non-code ordinances some specific event in time and are not general and permanent. Examples would include an ordinance adopting the fiscal year budget, or authorizing a special election, or authorizing the sale or disposal of city land.

Smaller communities frequently use three-ring binder to keep the city's code organized and update it as appropriate. Some larger city's ordinances are codified by a company that specializes in this type of work. These companies typically place the codified ordinances in a hardbound, expandable binder with the city's name printed on the cover. If your city's ordinances have not been codified and organized this is a serious matter that must be addressed immediately. The city clerk is responsible for codifying the records.

## The Budget

The budget is one of the most important assignments the council works on each year. The budget is the council's outline for city services, revenue collection, and staffing. It is the spending "plan" against which actual expenditures (and revenues) can be measured on a monthly basis throughout the year through regular monthly financial reports. Start work on the budget at least three months before the current fiscal year ends. Carefully evaluate all revenues and expenditures to make sure they are reasonable and necessary. Make sure that a chart of accounts is created so that all expenditures can be tracked to the right department (i.e., public works, mayor and council, public safety) and to the correct cost categories, such as salaries, benefits, commodities, travel and per-diem, contractual, and so on. Spend time on the budget. Know what's in it. Ask questions. Request and get monthly financial reports. The budget is one of the most, if not the most, important documents the council produces.





## Legal Matters

**Conflict of Interest:** A conflict of interest occurs when a council member has a direct personal interest, usually a financial interest, in a matter before the council. It is okay to have a conflict of interest, but it is wrong to fail to report it and request to be excused from voting on the matter. Cities must adopt a conflict of interest ordinance, or the conflict of interest provisions of AS 29.20.010 automatically applies as the language that directs the city's conflict of interest process. The provisions of conflict of interest law are:

1. a member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter,
2. the presiding officer shall rule on a request by a member of the governing body to be excused from a vote, and
3. the decision by the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by a majority vote of the governing body.

It is not unusual for council members in small communities to have conflicts of interest. Not all conflicts will involve a substantial financial interest either. Some conflicts may only appear to be improper or have the appearance of an unfair advantage. These conflicts should be declared as well so the public doesn't think that council members are self-serving and just looking out for themselves. A good rule of thumb to follow is that if you think you have a conflict, then declare it and let the mayor (or presiding officer) decide if you should vote or not. Remember, though, only declare a conflict when you really believe you have one. Never declare a conflict to avoid having to vote on a tough issue.

**Open Meetings Act:** The State of Alaska's Open Meetings Act, AS 44.62.310, says that all meetings of a governmental body of a public entity (including city councils) are open to the public. This means that the council must not only provide notice of its regular and special meetings but of its work sessions and committee meetings as well. The city code should contain all of the requirements for public notice of meetings including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted. State law requires that notice be "reasonable," include the date, time, and place of the meeting, that it be posted at the principal office of the public entity in addition to any other means and locations stated in local ordinance and that it be done in the same way each time "consistent."



Alaska courts have ruled strongly in favor of the Open Meetings Act. Actions taken at meetings that have not had proper notice can be voided. It can also cost cities a great deal of money to defend officials against charges of open meetings act violations. Never privately engage in council decision-making or substantive discussions of issues that are before the council, even among two or three members. This kind of discussion has been, and can be, seen as violating the Open Meetings Act.

As a practical matter, council members are always going to be talking to one another. After all, people talk about the things they have in common, and council members are no exception. When members pass each other on the street or sit together in the cafe for coffee, it is almost natural that the conversation will include city business. Just be careful that you do not commit your vote or seek another member's commitment and that you do not engage in discussion that leads you to a conclusion on an issue before the full council hears it.

A lot of ideas can result from casual encounters outside the pressure and formality of the council chambers. Exchanging information, ideas, and viewpoints can be valuable but remember, just like with a conflict of interest, if you think you have one or you've gone 'too far' in informal conversations with other members, then you probably have, and you should say so.

**Ex Parte Contact:** Black's Law Dictionary defines ex parte contact as, "on one side only; by or for one party; done for, in behalf of, or on the application of, one party only." What's wrong with ex parte contact? Basically, ex parte contact occurs when someone who wants something from the council takes you aside and gets you to commit to their position outside the public forum, before you have had a chance to hear all sides of an issue. Elected officials are always going to be approached by members of the public who want to raise issues, make complaints, hear explanations, or otherwise talk with council members. Elected officials

should, in fact they have a duty, to speak with and listen to residents. But draw the line when you are taken aside, given one side of an issue, and asked to state your position before you know all the facts or have heard the other side.

If someone insists on giving you information or persuading you to a certain viewpoint, tell them to share the information with all council members or share the information yourself. If it's written, copy and distribute it. If information is so important that someone keeps insisting on giving it to you, then it's important enough to share with the whole council.

## **Committee of the Whole**

Councils often form committees to work on short-term or one-time issues (ad hoc committees) or long-term interests (standing committees). When the whole council meets in a work session, it is often called the committee of the whole. Usually the committee of the whole meets to discuss important items that are not ready for council action but need further council discussion in an informal setting that promotes the exchange of ideas. For example, if a second class city is considering adopting planning powers, the council may want to meet as a committee of the whole to talk the issue through before an ordinance is drafted for their formal action.

## **Board of Equalization**

The council, or its appointees, sits as the Board of Equalization only in cities that levy a property tax. AS 29.45.200(a) states, "the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor." The assessor determines the taxable value of property within the city on an annual basis. A property owner who believes the assessor has erred in valuing their property may appeal the assessor's decision to the board of adjustment, which meets once a year after the assessor has set the taxable values. The person appealing, the appellant, has the burden of proof to show that the assessor's valuation is wrong.

Your review of the property tax rolls as a member of the Board of Adjustment is a narrow one; that is, there are very limited grounds on which you may overrule the property value set by the Assessor. The only grounds for adjustment of the assessment are proof of unequal, excessive, or under valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. The council will set a poor precedent if it lowers an assessment for someone because he or she is unemployed, has not maintained his or her property, or simply opposes the assessment on principles or personal grounds.

## **Board of Adjustment**

In cities that exercise planning powers, the council typically sits as a board of adjustment to hear appeals from decisions of the planning commission. The council may also appoint a hearing officer or a committee of residents sitting as the board of adjustment to hear appeals. Appeals may be made from decisions of the planning commission on requests for variances, on requests for conditional use permits, and on alleged errors in the enforcement of zoning and building codes. The board sits in a quasi-judicial capacity. This simply means that the board examines the matter on appeal as a judge might by examining the record of the planning commission's decision, calling witnesses, administering oaths, considering testimony, and making a judgment based on the facts. Appeals may be heard "on the record," meaning no further evidence may be introduced, or "de novo," meaning new testimony and evidence may be heard. Usually a "de novo" hearing is held when there is new evidence for the board to consider that was not presented to the commission at the time of their hearing.

## **Council Procedures**

Councils must have procedures in place and follow them for their meetings as well as for other matters such as filling vacancies, qualifications for office, term of office, and quorum, etc. Some of these procedures are in AS 29.20.050 through 29.20.180 and other statutes. Others are in the city's code of ordinances, which is usually more specific and detailed than Title 29 (or should be!), or in rules of procedure adopted by the council. Rules of procedure are not ordinances but guidelines the council has agreed to follow. Contained in these rules might be a requirement to end meetings at 11:00 PM or a listing of the council's standing committees.



## V. What Happens At Meetings?

### Introduction

Members may mingle with the public in many other settings, but it is in meetings where the public's business is conducted and decisions are made that commit the funds and resources of the city. Meetings should be conducted in a calm, orderly environment free from disruptions. After all, who wants to (or can) make good decisions in a rowdy or uncontrolled setting with lots of noise and interruptions?

### Types of Meetings

The council will meet not only in regular meetings, but in other types of meetings as well:

**Regular Meetings:** Regular meetings must be held at least once a month and may be held more often (some communities may meet twice a month). The code of ordinances should contain the date, time, and place of regular meetings. The date, time, and place are specified so that everyone knows when regular meetings will take place. The public shouldn't have to be concerned about the meeting time, date, and place always changing. At times it may be necessary to reschedule the regular meeting. If this happens notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

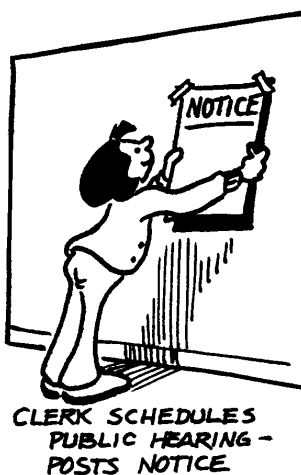
**Special Meetings:** Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, the code may require the council to meet in regular session on the third Tuesday of each month at 7:00 PM at city hall. If the council must meet earlier because of the importance or timing of an issue, it can call a special meeting for some other date than the third Tuesday. The special meeting does not take place instead of the regular meeting, it is in addition to the regular meeting. .

**Emergency Meetings:** Emergency meetings, really special meetings held with 24 hours notice or less, are held to address situations that are so urgent and so pressing that the council must meet right away. An emergency meeting may be held if a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members. A special meeting may be held with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

**Committee Meetings:** The mayor may appoint both standing and ad hoc committees of the council to examine particular questions or issues in greater detail. Standing committees exist permanently and may consist of a finance committee, a public works committee, and/or a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all

council members, or of fewer, usually three. Committees are valuable because they give the council a chance to study issues before they are ready for council action and identify any problems, concerns, or difficulties that may exist. A committee cannot take action on behalf of the full council but instead makes a recommendation to the council for the council's action.

**Work Sessions:** A work session is not unlike a committee meeting. In fact, the committee of the whole, composed of all members, meets in work sessions to discuss matters that do not fall under any other standing or ad hoc committee. Work sessions can be held for a variety of reasons but share the same characteristics: they allow the council to discuss a topic or topics in an informal setting, to gather information, or to problem solve, and generally, to study an issue better before it comes before the full council as an action item. The council meeting in a work session cannot take action on an item but as with committee meetings, may make recommendations to the full council for council action.



## Notice of Meetings

Proper public notice must be provided in advance of all regular meetings of the council. Three to five days notice is considered reasonable; however, city ordinances should state how many days notice is required. Special and emergency meetings require only 24 hours notice or less. Work sessions and committee meetings should also be noticed. State law requires that notice be include the date, time, and place of the meeting, that it be posted at the principal office of the public entity in addition to any other means and locations stated in local ordinance and that it be done in the same way each time “consistent.” The notice should also contain an agenda; however, the agenda can be made available one or two days before the meeting. Notice should be posted at several known and well-used locations in town like the post office, the store, city hall, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station. It is important that the public knows where notice will be posted and knows what business will be discussed at the meeting.

## **The Agenda**

The council must approve an agenda format to be used at all regular meetings. A sample agenda might include the following:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Public Comment on Non-Agenda Items
- V. Manager's or Administrator's Report
- VI. Ordinances for Introduction
- VII. Public Hearing on Ordinances and Resolutions
- VIII. New Business
- IX. Old Business
- X. Committee Reports
- XI. Council Comments and Questions
- XII. Adjournment

The order of the agenda may be changed at the meeting if, for example, an item toward the end of the agenda needs to be moved up and dealt with earlier in the meeting. The procedure to follow in changing the agenda is to make a motion to suspend the rules in order to amend the agenda and then name which item is proposed to be moved. The agenda should be amended only when there is a good reason.

## **Taking Part in Debate**

Debate and discussion are not the same. Discussion is general and doesn't necessarily lead to closure of an issue. It is the method used for less formal meetings and work sessions. Debate occurs after a motion has been made and formal council action is required.

Debate at council meetings goes through the mayor. If a council member wants to speak, he or she must raise a hand and be recognized by the mayor (or presiding officer if the mayor does not run the meetings). The member may then speak only on the motion under discussion. Members should never interrupt one another. Comments should be brief and to the point.

## **Parliamentary Procedure**

People often think parliamentary procedure is something awful and too complicated to ever make any sense. The simple truth is that you cannot conduct an effective meeting without rules of procedure and parliamentary procedure is the recognized standard. There are tips that can help you understand parliamentary procedure and use it correctly.

The use of rules, or parliamentary procedure, for debate fulfills several important purposes. It provides form or structure for debate. It assures that only one item at a time is before the council for debate. It provides a forum for debate that is fair to everyone and partial to no one. Finally, it permits the will of the majority to prevail, while protecting the rights of the minority and permitting all sides of an issue to be heard. Councils can use their own rules for parliamentary procedure, but most use Robert's Rules since they are familiar and well established.

The backbone of parliamentary procedure is in motions and how they are made and disposed of, in the various categories of motions, and in the relationship between motions. There are four types of motions:

**Main Motion:** The main motion is the motion that brings an item of business before the council for its formal deliberation. Only a main motion can bring matters before the council for a vote.

**Subsidiary Motions:** Subsidiary motions are motions that relate directly to, and amend, a main motion. There are seven subsidiary motions, as listed below:

- ✓ motion to postpone indefinitely
- ✓ motion to amend
- ✓ motion to refer to a committee
- ✓ motion to postpone to a time certain
- ✓ motion to limit, or to extend the limits, of debate
- ✓ motion to move the previous question (vote)
- ✓ motion to lay on the table

These motions are listed in their order of precedence. That is, they must be dealt with in order if more than one is on the floor at the same time. For example, a motion to "lay on the table" has precedence over all the other subsidiary motions and so on up the list. In addition, any subsidiary motion before the council must be voted on before the main motion may be voted on. The most common subsidiary motion is the motion to amend.

**Privileged Motions:** Privileged motions are motions that have immediate and overriding importance that should, without debate, be permitted to interrupt the consideration of any other business. They are not related to the main motion. The privileged motions are

- ✓ call for the orders of the day
- ✓ raise a question of privilege
- ✓ recess
- ✓ adjourn
- ✓ fix the time to adjourn

Like subsidiary motions, privileged motions are also listed in order of precedence with the last motion having precedence over the others and so on up the list.

**Incidental Motions:** Finally, there are incidental motions. These motions deal with questions of procedure and are not related to the main motion. They do not have an order of



precedence, and as a rule, they are not debatable. An incidental motion must be dealt with before the council can return to the main or subsidiary motions. There are 15 incidental motions with the three most common being the following:

- ✓ point of order
- ✓ appeal a ruling of the chair
- ✓ suspend the rules

The others are rarely used and can be researched by reviewing a copy of Robert's Rules of Order.

## **Making a Motion**

A main motion is the way an item is placed before the council for consideration and action. A council member after being recognized by the chair says, "I move for the adoption of ordinance 97-16." The mayor then asks for a second, and when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend the ordinance, or to table it, or send to a committee, must be voted on before the main motion may be voted on. Roberts Rules of Order requires that every motion have a second. In Masons Rules, on the other hand, motions do not require a second.

Every motion consists of eight steps (or seven if using Masons Rules) that follow in order. These steps are as follows:

1. a council member seeks recognition from the chair,
2. the member is recognized by the chair and "has the floor,"
3. the member makes a motion,
4. the motion is seconded (Robert's Rules),
5. the chair restates the motion to the body,
6. council debates the motion,
7. council votes on the motion, and
8. the chair announces the result of the vote.

## **Voting**

Once debate on a motion is completed, the council has to vote. Every member present has to vote unless the member declares a conflict of interest and the mayor (or presiding officer) rules that the member has a conflict of interest that prevents him or her from voting. Every council member's vote is recorded as a "yes" or "no" and may be given as a show of hands. If the council's bylaws don't already require it, anyone on the council may request a roll call vote where the clerk calls each member's name and their name and vote is entered into the record.

## Abstain from Voting

Every council member must vote on every issue. A member can ONLY abstain if the mayor has ruled that he or she has a conflict of interest on the particular matter being voted on. A council member must explain their conflict and get a ruling that a conflict does or does not exist. The mayor's ruling, whichever way it goes, may be overridden by a majority of the council.

## Unanimous Consent

Unanimous consent occurs when all members vote in favor of a motion. Sometimes, unanimous consent simply occurs after a vote, when all members end up voting the same way. Other times, unanimous consent may be requested as part of a motion. Typically, this happens when the person making the motion knows the item is non-controversial. The person making the motion will say, "Mr. Chair, I move for the adoption of ordinance #97-23 and ask unanimous consent." The chair then asks if there is any objection. If there is none, the item is adopted by unanimous consent. Discussion may also be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

## Quorum

A quorum is the minimum number of council members required to conduct business. AS 29.20.160(c) states that a **majority of the total membership** of the council constitutes a quorum. This is always **four members** since AS 29.20.130 states that each first class city has a council of six members and each second class city has a council of seven members. Home rule cities may provide for a different number of council members. In second class cities, the mayor is elected as a council member. In first class cities, the mayor is elected separately, not considered a member of the council, and not counted as part of the quorum.

**A member who is disqualified from voting is considered present for purposes of a quorum.** If a quorum is not present, any number of the members present may recess or adjourn the meeting to a later date. Formal actions of the council **must be adopted by a majority of the full membership, never by a majority of the quorum.** So if only four members (i.e., a quorum) are present at a meeting, any one member can vote down items before the council since **three votes is not a majority of the full membership.** For this reason, sensitive, complex, or difficult matters should come before the council only when all the members are present.

## Role of the Mayor

Council members and the public will look to the mayor to provide leadership during the meeting. The mayor should understand the issues before the council, know and understand the members of the council, and be able to bring the council to decisions even on difficult or complicated issues. The mayor should be competent at

**Running the Meeting:** It is the mayor's responsibility to run an orderly meeting and conduct the public's business in a fair and timely manner. Everyone looks to the mayor for leadership.

**Maintaining Order:** The mayor should not allow cheering, hissing, booing, or other demonstrations from the audience. Nor should he or she permit council members to become rude, confrontational, or argumentative with one another or the audience.

**Keeping the Business Moving:** It is the mayor's job to keep the meeting moving by bringing matters to a vote.

**Managing Public Testimony:** By using a sign-up list, the mayor will know who wants to speak on items before the council. If a lot of people want to speak, the mayor should have a time limit per speaker (usually 3 minutes). Rambling, irrelevant testimony should be discouraged.

**Preventing Arguments:** Discussion between council members and members of the public who are testifying should be limited to fact gathering that helps the council make a decision.

**Parliamentary Procedure:** The mayor should know enough about this to run the meeting. Someone else may be the parliamentarian (under state law this is the city clerk), but the mayor has to have a working knowledge of it.

**Tying Things Together:** This is the ability to take into account public testimony, council deliberations, and an understanding of the issue at hand in guiding the council toward a decision.

**Implementation:** This is the ability to create an action plan and follow through on the actions decided at the meeting.



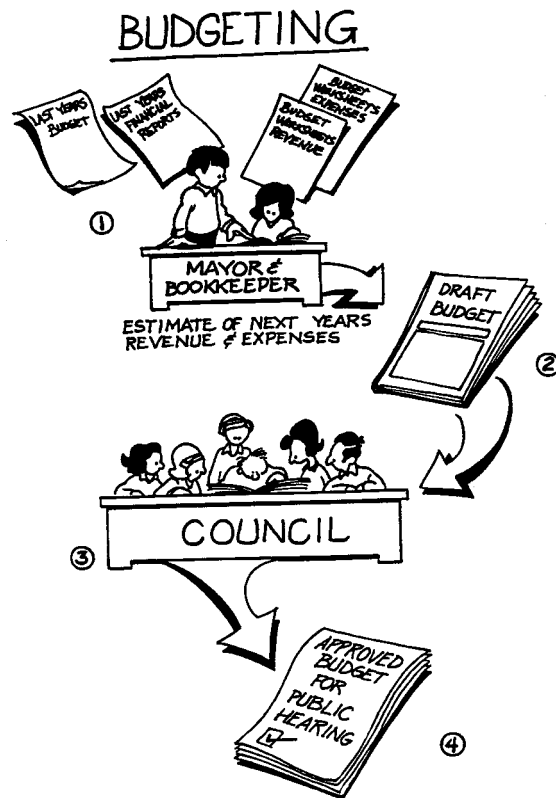
## VI. Council Relationships

### Introduction

The council interacts with many different groups of people: the mayor, the administrator, the manager, the planning commission, the staff, etc. This section addresses the business nature of these relationships.

### Relationship with the Mayor

The mayor may be either the chief executive of the city or if the city has the manager form of government, may be more of a ceremonial head of government. The powers of the mayor also vary depending on the class of city (i.e., home rule, first class, second class). The relationship between the mayor and the council is pretty much the same, however, whether it is in a home rule city with the manager form of government or a second class city where the mayor is chief executive. That relationship is based on the fact that the mayor is the political leader of the city and of the council and holds the city's highest elected office.



The office of mayor is typically granted a certain respect. Whether or not the person who occupies the office is personally well liked by other council members really isn't important. It is the ability of the mayor and the council to work together for the common good of the community that counts. Imagine if the mayor and the council fought all the time! It would project a negative image to the public, waste valuable time, promote conflict, slow down work and progress, and distance people from one another. These are not methods that make an effective council.

You may not always agree with the mayor, and you may not think the mayor makes good decisions all the time, but you have to work with the mayor. You should strive to do so in a manner that will

- ✓ project a positive image,
- ✓ make best use of the council's time,
- ✓ promote teamwork,
- ✓ permit work to go forward and progress to be made, and
- ✓ involve the whole council, including the mayor, in solving problems.

A well-organized council that works together can be a very important strength in ensuring the city's well being.

## **Relationship with the Administrator**

Cities may either have the strong mayor or the manager form of government. With the manager form of government, state statute in Title 29 grants the manager the executive authority to run the operations of the city. In cities that do not have the manager form of government, the mayor is the chief executive and may exercise powers granted to the position in Title 29 and the local code. An administrator may be hired to administer city business and carry out the directives of the mayor and council. The mayor typically hires the administrator, which may be subject to approval of the council, depending on the local code or local preference.

Unlike a manager, an administrator's authority doesn't come from state statute. The administrator performs only those duties that are delegated to his or her position. It is very important that the council make it clear what is being delegated in writing. This may be done by ordinance, resolution, job description, or written delegations of authority so it is clear to everyone, including the public, what the mayor and council expect the administrator to do. Whichever method is used, everyone should be clear on just what the administrator's duties are. The administrator reports to the mayor but as a practical matter, works for the entire council. Individual members should not order the administrator to do things that the council has not discussed and approved or that the mayor is unaware of and has not approved. After all, what if another council member and/or the mayor have an entirely different view and also order the administrator to do something? The full council may evaluate the administrator annually although the mayor may also do this. The council should authorize approval of the administrator's contract.

## **Relationship with the Manager**

While the administrator's role with the mayor and council may change somewhat from city to city, the manager's role is more standardized. This is because the duties of the manager as chief executive are spelled out in AS 29.20.460-520. The manager is hired by the council and serves at the pleasure of the council. Likewise, the full council evaluates the manager.

Whether your city employs a manager or an administrator, the following tips should be kept in mind regarding the council's relationship with that person.

## **Tips on Council-Manager/Administrator Relationship**

The council should:

- ✓ Clearly define their expectations for the person in the position,
- ✓ Give the position clear direction and not leave the manager or administrator guessing what he or she is supposed to do,
- ✓ Give the manager or administrator the opportunity to use his or her professional skills,
- ✓ Don't blame the person for actions initiated by the council that may be unpopular, and
- ✓ Evaluate the manager's performance on a regular basis.

From the other side of the relationship, there are characteristics that the council should look for in the manager's or administrator's relationship with them.

The manager or administrator should

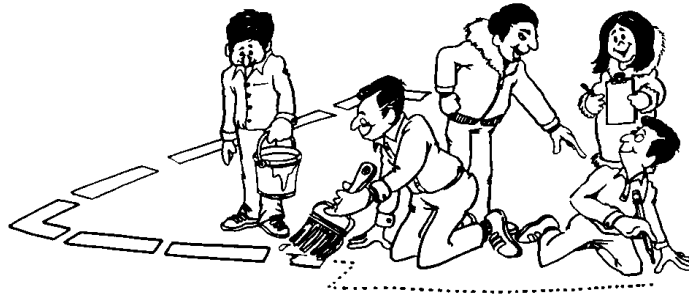
- ✓ Never act as the 8th council member,
- ✓ Never lecture to the council but instead explain,
- ✓ Avoid picking sides in a dispute,
- ✓ Stick to the facts and refrain from offering personal opinions,
- ✓ Always be helpful in order to further resolution,
- ✓ Never promote conflict or division,
- ✓ Always seek clarification where council direction is unclear or conflicting, and
- ✓ Never make a mistake and then try to cover it up or get the council to correct it.

## **Relationship with the Planning Commission**

The planning commission is an advisory body to the council. The commission makes some decisions on its own authority for the approval (or denial) of variances, conditional use permits, and subdivision plats. Planning commission denial of variances and conditional use permits may be appealed to the council sitting as a Board of Adjustment (see page 16). Plat denials must be appealed directly to Superior Court. Otherwise, the commission makes recommendations to the council for council action. For example, the commission may

recommend a rezoning of property, amendments to the zoning and platting codes, or revisions to the comprehensive plan, all of which must be approved by ordinance and therefore by the council.

The council will benefit from having a strong, capable commission. The commission can handle a lot of work on behalf of the council, work that the council does not have time to do along with all of its other duties. A commission that can give the council good, solid reasons for the positions it takes will build an important model for planning decisions in the city.



## PLAN AND EVALUATE

### **Relationship with Staff**

The mayor or administrator/manager actually supervise, or oversee the supervision, of the city staff. The council may hire, fire, and evaluate the manager or administrator, the attorney, and the clerk, but the council should not engage in the day-to-day supervision of employees. Several pointers can assist council members in "getting the most" out of their relationship with the staff.

**The Staff Advises:** It is the staff's job to provide the council with the facts and information needed to make a decision; in fact, it is customary for the staff to make a recommendation for council action. The council should not make any staff person into an "8th" council member, however, by expecting that person to make decisions that the council is elected to make. This can place staff in the awkward position of substituting his or her judgment for the collective judgment of the council. This is not only unfair to the staff person, but can unnecessarily make him or her a scapegoat for mistakes.

**Council Instructions to Staff:** Council instructions to the staff to perform assignments must go through the manager, mayor, or administrator, and not directly from the council to the staff member. This way, the manager or administrator is on top of the workload, knows

what "his people" are doing, and can make staff assignments appropriately. Also, individual council members should not give instructions to the staff without the knowledge or consent of the full council since one member's viewpoint or the nature of the request, may not represent the shared viewpoint or position of the full council.

**Evaluations:** The mayor and/or council should evaluate the administrator or manager and any other position under their direct control once a year (look at your personnel policy to see who actually performs the evaluation). Evaluations tell the affected staff how well they are performing and where improvements in their performance can be made. They provide a record of the employee's performance which would be used for personnel actions or to respond to requests for references. They are also a useful exercise for the council to come to grips with its own expectations for the performance of its employees. Preparing employee evaluations is just fair play.

**Merit Vs Cronyism:** Employees should be hired on the basis of their abilities and promoted or terminated on the basis of their performance. Otherwise, the council could be accused of cronyism or favoritism. This, in turn, can create distrust and lack of interest among residents and erode community respect and support for the council. A weakened council cannot represent the community as well as a council that is principled and fair.

**Professional Vs Personal Relationship:** Council members should not base their evaluation of the manager's, administrator's or anyone else's performance on personal feelings. Personal feelings may very well enter into a council member's thinking, but they should not govern it. After all, the city may have a manager who is not particularly well liked by a member of the council but who is doing his job well and performing up to the council's overall expectations. This is what the evaluation should be based on. On the other hand, the city may have an administrator who is well liked but doing an average or unacceptable job. He or she should not be evaluated on the basis of popularity.

Work hard and think smart! Your city is depending on you.

## Conclusion

Hopefully this primer has been helpful for new council members. If you have any thoughts or suggestions on material that should be revised, deleted or added, please contact:

Roxanne Auge, Local Government Specialist  
DCED, Division of Community Advocacy  
550 W 7<sup>th</sup> Avenue Suite 1770  
Anchorage, AK 99501-3510  
RE: CITY COUNCIL PRIMER

For additional copies please visit our website or contact your regional office.

It has been our pleasure to prepare this publication for you.





